

**Naples Planning and Land Use
Public Meeting
September 16, 2021**

Commission Present: Chris Clark, Jessy McKee, Jacob Harrison, Andrew Bentley

Commission Absent: Scott Adams

Others Present: Ken Reynolds, Mayor Dean Baker, Douglas Gardiner, Kevin Williams

Verification of full Quorum Chris Clark verified a full quorum. All commissioners will be voting in tonight's meeting.

Approval of Agenda Andrew Bentley motions to approve the agenda for the September 16, 2021, Jacob Harrison seconds the motion.

All in favor:

Chris Clark	Aye
Jessy McKee	Aye
Jacob Harrison	Aye
Andrew Bentley	Aye

Motion carried with all voting Aye. None opposed.

Disclosures None

Approval of Minutes Chairman Clark asked for clarification on a statement he made regarding enforcement issue versus zoning issue of Wireline Company.

Andrew Bentley motions to approve the September 16, 2021, minutes with small change. Jacob Harrison seconds the motion.

All in favor:

Chris Clark	Aye
Jessy McKee	Aye
Jacob Harrison	Aye
Andrew Bentley	Aye

Motion carried with all voting Aye. None opposed.

Recognition

Recognition of Amber Ray for service on Planning & Zoning Commission.

PUBLIC HEARING

CREATION OF ZONE 1B

Creation was brought as a result to rezone Pheasant Run subdivision to appease developer. Zone 1B to accommodate both RA1 & RA2.

MOTION: Andrew Bentley motions to open the public hearing. Jessy McKee seconds the motion.

All in favor:

Chris Clark	Aye
Jessy McKee	Aye
Jacob Harrison	Aye
Andrew Bentley	Aye

Motion carried with all voting Aye. None opposed.

Ken Reynolds: 2177 S. 2000 E. Background into rezone 8-10 years ago went into agreement with Developer. Thought subdivisions would be R1. Brought up with conflict because of sizes of lots in this subdivision. Individuals contacted city council members to get right-of way from city office to high country. If this is allowed, could run into conflict. Would like to go back to R1 unless developer shows up and shows desire to proceed before agreement deadline in 2023. Wanted to set up prior to deadline, so that after it would go to R1. Recommends not doing 1b zone, as at the end of 2 years goes back to R2. Mr. Reynolds would like it to go back to R1. Andrew Bentley stated the public wished no changes, positive or negative. People that live in the neighborhood would not like it to go back to R1. 1B zone would be middle ground. City council can change requirements of zone by entering an agreement with a Developer. Developer stated if it went back to R1, he would not do anything, because it would cut out multiple lots. Would prefer R1 zones for all subdivisions.

Dean Baker: 1882 S. 2000 E. Attended other public hearings. Said public stated they wanted it to go back to R1. 8 years later after the agreement is signed and the ground is just sitting there. It was originally obtained to do 2 phases at the same time toward 5th east. The Developer wanted some things in agreement to include proposed pocket parks, to use as detention basins, the developer would put in the grass and sprinklers, then turn over to city to maintain. If we were to leave this zone, as-is with this developer, how many more years would he sit on it and never develop it? It is past the prime for infrastructure installation and selling of lots, as lots are in high demand. The idea for the Developer agreement was to put push him along, the agreement would have 2 years to complete it or cut off to go back into negotiation. Residents want R1, less high density, more rural. Take Weatherby Drive to Pheasant run to provide another access clear through. About pushing limit for fire without a second egress.

MOTION: Andrew Bentley motions to close the public hearing. Jessy McKee seconds the motion.

All in favor:

Chris Clark	Aye
Jessy McKee	Aye
Jacob Harrison	Aye
Andrew Bentley	Aye

Motion carried with all voting Aye. None opposed.

DISCUSSION: Commissioner McKee questioned if the Developer has reached out again. As he seemed adamant. Commissioner Bentley stated he remembered the overwhelming public sentiment was that they did not want it to turn into an R2 zone and the reason for the possible creation of this 1B zone. At the time we didn't move forward to move it to an R1 because that didn't quite fit. Likes idea of pushing forward to make suggestion to City Council, doesn't believe that creating a singular zone creates a problem any different than a contractor agreement. We've done it once, that means that door has already been opened there too. Thought this was the better route to go. Commissioner Clark likes the idea of creating R1B zone but sees it can pose issues in the future as creating a third option that could be used anywhere in the city. They could choose R1B zone for smaller 86 foot lots with a single family, where we do already have R1 with 100 foot lot, in order to fit more lots in the land rather than the R1 which has been on the books for some time. The Developer currently has a developer's agreement can still come in and develop, as he has agreed, as he has designed. He does have time to complete this. Creation of a new zone could create another problem to deal with down the road. Commissioner Harrison stated with 2 years left on the developer's agreement, if he's not going to show any effort into developing, what will change after the timeline ends? Commissioner Bentley

questioned if the lots have been subdivided. They are currently not subdivided, just in a concept phase. Plat would need to be approved and recorded prior to beginning work on new lots if the Developer's Agreement expires. No pressing issue to act on this now. Send to City Council for discussion on topic.

MOTION: Andrew Bentley motions to send to city council as item of discussion for recommendation in changing to R1B zone vs R1 Zone. Jacob Harrison seconds the motion.

All in favor:

Chris Clark	Aye
Jessy McKee	Aye
Jacob Harrison	Aye
Andrew Bentley	Aye

Motion carried with all voting Aye. None opposed.

ADDITIONAL PROVISIONS IN RA1, RA2, A1 ZONES FOR AGRIGULTURAL LOT SPLITS.

MOTION: Andrew Bentley motions to open the public hearing. Jacob Harrison seconds the motion.

All in favor:

Chris Clark	Aye
Jessy McKee	Aye
Jacob Harrison	Aye
Andrew Bentley	Aye

Motion carried with all voting Aye. None opposed.

No public commented.

MOTION: Jessy McKee motions to close the public hearing. Jacob Harrison seconds the motion.

All in favor:

Chris Clark	Aye
Jessy McKee	Aye
Jacob Harrison	Aye
Andrew Bentley	Aye

Motion carried with all voting Aye. None opposed.

PLANNING/DISCUSSION

Commissioner Bentley questioned if there were any subdivisions in RA1 zone. There are none at this time. Commissioner Clark commented that the items will have to meet minimum size requirements.

MOTION: Andrew Bentley motions to approve RA1, RA2, A1 Agricultural Lot Split. Jacob Harrison seconds the motion.

All in favor:

Chris Clark	Aye
Jessy McKee	Aye
Jacob Harrison	Aye
Andrew Bentley	Aye

Motion carried with all voting Aye. None opposed.

PLANNING/DISCUSSION

Douglas Gardiner: GMK properties is looking to rezone property to Industrial. States he ran water hauling business out of the property for 13 years and is hoping to sell. Not sure on history of change, as to change of Industrial business in RA1 zone. Pre-existing building when city incorporated and grandfathered in over and over. Kevin Williams trucking business would go back in property. Stopped operating business on property approximately 2 years ago. Property wraps around 2 houses. Not a surprise to other property owners surrounding. Only concern voiced over lights running all hours of the night. Commissioner Bentley questioned if there was change in zone if there would be requirements to upgrade fencing? Commissioner Clark commented that there would not be required changed unless they changed the site. The property is already abutting industrial zone, so it would not be spot zoning. There are 2 properties between this property and another piece of property zoned industrial. Ken Reynolds commented that there is not room to fit 20 trucks in there and the neighbor to the east, a chicken farmer, wouldn't like what goes in the property. Commissioner Clark commented that the use is there, it doesn't make sense to have a building that cannot be used for the zone it is located in. Commissioner McKee questioned if it was possible to zone this as conditional use. It is not listed as a conditional use in RA1 zone. Commissioner Harrison commented that buildings that don't fit RA1 would be left vacant lot or a lot that cannot be used for some time. Commissioner Bentley questioned if the chicken farmer has industrial abutting his property and if neighbors received notice for the previous public hearing. Commissioner Clark commented the land use should match the zone and should be changed. It is abutting the industrial zone. Commissioner Clarks asks for motion.

MOTION:

Jacob Harrison motions to pass on rezone of GMK Properties from RA1 to I1. Jessy McKee seconds the motion.

All in favor:

Chris Clark	Aye
Jessy McKee	Aye
Jacob Harrison	Aye
Andrew Bentley	Aye

Motion carried with all voting Aye. None opposed.

ITEMS FOR FUTURE DISCUSSION

No items for future discussion.

ADJOURN

Jacob Harrison motions to adjourn, Jessy McKee seconds the motion.

All in favor:

Chris Clark	Aye
Jessy McKee	Aye
Jacob Harrison	Aye
Andrew Bentley	Aye

Motion carried with all voting Aye. None opposed.

The next Planning and Zoning meeting will tentatively be held October 21, 2021, in the Naples City Council Chambers @ 7:30 P.M.